

PUBLIC WORKS AND TRANSPORTATION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Public Works and Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Tuesday, **April 6, 2004.**

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MEMBERS PRESENT:

Legislator Peter O'Leary- Chairman
Legislator Dan Losquadro - Vice-Chairman
Legislator Angie Carpenter
Legislator Andrew Crecca
Legislator Brian Foley
Legislator Bill Lindsay
Legislator Ricardo Montano

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ALSO IN ATTENDANCE:

Mea Knapp - Counsel to the Legislature.
Charles Bartha - Commissioner - DPW.
Rich LaValle - Chief Deputy Commissioner - DPW
Bob Shinnick - Transportation Division
Alexandra Sullivan - Chief Deputy Clerk - Legislature
Bill Faulk - Aide to P.O. Caracappa
Tim Motz - County Exec's Office
Maria Ammirati - Aide to Leg. O'Leary
Elizabeth Harrington - Deputy County Attorney
Julie Ben-Susan - North Ferry Company
Bridgford Hunt- North Ferry Company
Sean Cullinan - United Service Workers

All Other Interested Parties

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MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 3:05 P.M.*)

CHAIRMAN O'LEARY:

Okay. I'll call to order the meeting of the Public Works and Transportation Committee. We'll open the meeting with the Pledge of Allegiance by Legislator Lindsay.

SALUTATION

CHAIRMAN O'LEARY:

Thank you and good afternoon. Okay. Before we go to the agenda, we do have some cards. The first card is a Julie Ben-Susan. Julie Ben-Susan.

MS. BEN-SUSAN:

Thank you for the opportunity to address you today. I'm Julie Ben-Susan, former general manager of North Ferry. North Ferry has been going back and forth from Greenport to Shelter Island carrying cars, trucks and passengers for about a century. We grew to a fleet of four steel boats each carrying 12 cars and stayed there from 1977 until 2003. Our boats are old and subject to extreme weather. The past two winters, they have endured thick ice for a mile crossing 19 hours a day, 7 days a week, 365 days a year, which takes a toll on their hulls, as I believe I've shown you before. I'll pass this around later.

Over time our travel volume grew exponentially much like all of Suffolk County to roughly a million passengers and 600,000 vehicles per year. The traffic outstripped the lift capacity, lines grew long, service slipped, tempers grew short, it wasn't pretty. In 2001, we came to you with a request for a rate increase in two parts; one for operations and the other for a new boat.

We encountered considerable resistance from those on Shelter Island who felt quite sincerely that if we just remained the log jam, we could metaphorically keep our finger in the dike. In the end, you granted the operating increase only. Based on the certain knowledge that our ability to meet our service obligation without a new boat would increasingly be doomed, we went back to the drawing board, reworked the bow and the slips, redirect the bid to a Florida yard and when ahead with the project building a new boat and renovating four of our slips to accommodate her.

In total, we invested \$2.8 million in the project, borrowing 2.3 and investing 500 of our own. Thus we built the MV Mashomack. She carries 25 cars, two times the size of our small boats. More importantly, she is wider and carries four to five large trucks as opposed to one each on the small boats. This makes a huge difference at commuter rush hour when roughly 300 commuters and scores of delivery trucks converge simultaneously.

Since the new boat, our lives have virtually disappeared. Many of our strongest critics from the first boat now stop and ask us when can you build the next one. Why? Because they appreciate the responsive service level that we are now providing and because they saw what happens when the Mashomack is not on the run. Last spring she was off for three and a half days due to a malfunction. And at that same time, one of our small boats had been beached by the Coast Guard for ice damage, as you saw earlier, to her hull. With three small boats running, the wait times were horrific; two to four hours for cars and trucks respectively.

With the second big boat, this would not have happened. And that's why we're here today. It's expensive to run a ferry company. Payroll accounts for a significant percentage of our expense. There also had been for us as for every business, large increases in fuel, health insurance, liability insurance even beyond our conservative projections. We've renegotiated our union contract, put our diesel fuel contract out for bid, reworked our health benefit plan and gone through the expenses line by line. In short, we've squeezed every penny of expense out of profit and loss statement that we can.

We operate with a volunteer president and an unpaid Board of Directors. Nevertheless, we barely broke even in 2003. And without an increase, we will have a serious loss in 2004. So we are coming before you to ask for a increase that will meet two needs; first, to return North Ferry to its financial health and stability, recognizing that we took the challenge and got the

new boat without rate relief. And second, to permit us to buy a second boat to complete our service mission, as our old boats are now older and putting us at service risk. Our finances are now so delicate that without rate relief, we have no financial resources to draw on for the second boat.

CHAIRMAN O'LEARY:

Julie, if I may, you are limited to three minutes. I don't know if you are aware of that.

MS. BEN-SUSAN:

I am. I'm almost -- I'm a paragraph away, but I'll stop whenever you want.

CHAIRMAN O'LEARY:

Perhaps you can just -- you know, we all have copies of the written statement that you are providing over the record. If you perhaps just summarize and just make certain that the stenographer gets a copy of record.

MS. BEN-SUSAN:

Right. Okay.

CHAIRMAN O'LEARY:

Thank you.

MS. BEN-SUSAN:

I'm really at the end there. We've proposed another boat just like the other boat and are well along in that process. And we welcome your questions.

CHAIRMAN O'LEARY:

Any questions? Thank you very much.

MS. BEN-SUSAN:

Thank you.

CHAIRMAN O'LEARY:

Second speaker is Bridgford Hunt.

CHAIRMAN O'LEARY:

Good afternoon. I remind you as well, sir, that you have three minutes, public portion.

MR. HUNT:

Thank you. Members of the Transportation Committee, my name is Bridg Hunt, and I've been working for North Ferry Company for 15 years. Recently, my role has changed from being a captain to becoming a manager alongside Julie Ben-Susan. When I was operating the boats, my main concern was moving our customers. Now that I'm operating the company, moving our customers is still my first priority. I'm here today because North Ferry is approaching a precipice. We're at a juncture where we can continue to upgrade our fleet to serve customers or where we must spend the same money just to tread water. Let me explain.

We currently have a fleet of four old 12 car ferries and one new 25 car ferry, which we put on the run last year. Our new boat, the Mashomack, has been phenomenally successful in fulfilling our service mission. But our old boats cost us more to maintain each year. These four older boats are past the end of their service lives. They have an average age of 34 years, a long run for steel boats in saltwater. Two were built in the '60s, the other two in the '70s. Ten years ago, we spent over one half of a million dollars repairing the two oldest boats. It's a decade later and all four will require substantial work.

In the next four years, we expect we will have to spend close to two million dollars just to maintain our fleet. To do this, we'll keep having to come back to you again and again to keep us afloat. I'm appealing to you today with a better alternative. As you know, we've petitioned for rate relief to offset the all too familiar increased costs of fuel, insurance and health care. But the centerpiece of our petition is for relief adequate to permit us to complete a second new ferry identical to our newest boat, the Mashomack. She will be essential to maintaining our new level of service. And in the not so long term, the most economical solution for our customers, the rate payer.

Instead of pouring good fares after bad into our older boats, we have the opportunity to modernize our fleet with more efficient equipment and retire our more costly boats. There are economies in our new ferries, which will help stabilize our rate requirements going forward. Let me offer a few examples. Our new boat will like the Mashomack carry 25 cars with a crew of three. It takes a total crew of four and two old boats to do the same work. The new boat will

move 100 cars with eight gallons of fuel. The old boats require ten gallons to carry the same cars. These are just a couple of highlights from a long list of benefits.

The point I want to make is this. We can either spend the ratepayer's money on our old fleet or build for the future. This is the moment for us to invest in modern and efficient equipment and retire our old boats. Our customers. The ratepayers. Will be the direct beneficiaries. We need your careful consideration, stewardship and vision. Thank you.

CHAIRMAN O'LEARY:

Thank you, Mr. Hunt. The next speaker is Sean Cullinan.

MR. CULLINAN:

Good afternoon. I'd like to thank the members the committee for allowing me to address you today. My name is Sean Cullinan, and I am a business agent with the United Service Workers, Local 335 IUJAT. This union currently represents the paratransit drivers who are employed by CBS Lines, which is located in West Babylon. They are one of the two contractors who currently provide transportation to the disabled in Suffolk County. In other words, they are a paratransit contractor.

We learned last week that the entire paratransit contract had been awarded to the other incumbent company. Currently there are two paratransit companies which provide service to the disabled in the County. Needless to say, the drivers at CBS Lines are very upset by what has taken place. Some of them have worked at CBS Lines for ten years. Now they've been told with little notice that effective May 1st, they no longer work for CBS Lines.

Although the other contractor has interviewed many of the CBS drivers, it's not guaranteed that all the them will be hired as of May 1st or that they will keep their same rates of pay and benefits that they currently enjoy. What is most troubling to the drivers is that to the best of their knowledge, no public forum was held on this matter. They would have liked to have had the opportunity to express to the committee, which recommended which company would be awarded the contract, their views on the matter. This unfortunately -- this opportunity was not, unfortunately, given.

The members of Local 355 at CBS Lines have worked very hard to achieve the benefits that they enjoy today. By consolidating to one company, some of these benefits may be in

jeopardy. The bottom line is that we believe that the decision of the consolidation of the paratransit service to one company is causing unnecessary stress and hardship on workers and the families of those who work at CBS Lines. We ask that -- in essence, that for the past ten years or so, there have been two companies operating the paratransit systems, and it has been working fine. In our mind, if it's not broke, it should not necessarily be fixed. Thank you very much.

CHAIRMAN O'LEARY:

Thank you, sir.

LEG. FOLEY:

Thank you.

CHAIRMAN O'LEARY:

The next speaker John W. Lund.

MR. LUND:

Good afternoon. Thank you for allowing me to speak this afternoon. John Lund, Sayville, New York, talking about Davis Park Ferry. I'd like to preface my written remarks that I will have a copy for each one of you, by saying that I worked for the Davis Park Ferry Company for ten years. I work for the Sherman family, grew up, was able to pay for college and owe them a debt of gratitude.

However, today I'm here representing the homeowners at Davis Park, a 282 home group. The following list of issues continues to be raised regarding Davis Park Ferry; boats do not leave on time, we are not talking two or three minutes, it's five, ten and 20; cleanliness and better maintained boats would be nice; engine noise generated is far beyond that of competitors operating on the Bay; dock facilities are confusing, not signed and delay exiting and entry of the boat; crowd control devices are needed at both locations; rates are only posted on one building in Patchogue, they don't appear on the ferry schedule or at Davis Park; freight on the passenger boats is slow, slowing the turn-around process down; large cars with wheels must be moved through the passenger area to exit via a ramp, no ramp is provided in the freight area; other freight may be moved on carts and could be offloaded via that same ramp in a faster manner; our 40 trip discounted ticket is only good for the current year, and other ferry operators allow multiple year usage; receipts in 2003 were not dated and had no corporate name on them. The

above leads us to believe that the accounting system needs to be updated to meet the parameters of Suffolk County Chapter 287.

The Town of Brookhaven and the ferry company are operating on an extension of their lease that expired in 1988. We hear this may be resolved soon. It may be before the board -- the Brookhaven Town Board on Thursday night. Currently there are more than 100 owners living between Great River and Brookhaven who own 141 of the 282 homes at Davis Park. We feel our ferry service is inadequate during the spring and the fall when compared to other communities. We have one of the highest percentages of local ownership with hands-on repair and maintenance, yet the least amount of service when we need to get to the beach to get the work done or just enjoy the island. Thank you very much.

CHAIRMAN O'LEARY:

Thank you, sir. Thank you. The last card is a Vincent Taldone.

MR. TALDONE:

Hi. I'm Vincent Taldone, Chairman of Suffolk County's Transportation Advisory Board, but I'm actually here today speaking as a passenger on the S-92, which is the third most traveled bus route in Suffolk County. We have a small crisis occurring on the line due to running buses other capacity, bus drivers reaching -- buses that are so filled they have to leave passengers behind. And that's not quite the same as an inconvenience of not having a seat, it's a crisis, it's a catastrophe when you get to work an hour late, when your employee arrives to open a store and hour after it should have opened. That's a really, really big problem.

Now, I've spoken with Suffolk County Transit staff. I understand there is going to be one additional bus run in the morning to try to pick up some of the stragglers who aren't getting on to the first bus. That may work for a while, that's not going to work for long. It certainly isn't addressing the problem of overcrowding on other runs during the day. So I bring it to your attention, because I know you would want to be advised of such a situation, and I hope you can somehow address it.

LEG. FOLEY:

Question.

CHAIRMAN O'LEARY:

Did you say question?

LEG. FOLEY:

Yes.

CHAIRMAN O'LEARY:

Are we permitted questions during the public portion?

LEG. FOLEY:

Yes, we are.

CHAIRMAN O'LEARY:

We are?

LEG. FOLEY:

Yes. This is committee, not the General.

CHAIRMAN O'LEARY:

I stand corrected, Legislator Foley.

LEG. FOLEY:

Thank you. This is where we get the work done on many of these issues, so we always have the floor open to questions. Mr. Taldone, let me just ask, have you brought this to the attention of the department?

MR. TALDONE:

Absolutely.

LEG. FOLEY:

And what has been the response from the department?

MR. TALDONE:

We've been talking about it for a while, but the department is going to add one run, one additional ghost bus at 7:00 a.m. to collect the people missed by the first bus.

LEG. FOLEY:

But your point is, is that during the intervening period of the day, there still is a need for an additional bus.

MR. TALDONE:

Absolutely. Bus drivers have told me also on the return trips in the afternoon they are reaching capacity. Some bus drivers are trying to stuff additional bodies on the bus. They don't want to leave people behind, but they're reaching a safety problem once, you know, the people are lined up past the yellow.

LEG. FOLEY:

So essentially it's an extra bus early in the morning and an extra bus at the end of the day.

MR. TALDONE:

Right. And the rest of the day it's way overcrowded, and that's a service issue that we should be talking about, because people don't have seats. But that's an inconvenience, not a disaster, which is what we have during the morning rush and the afternoon rush hour. I've spoken with the Town Supervisor in Riverhead who is actually very concerned because a lot of the businesses up there depend on the work force that arrives very early in the morning. Also, we have a lot of residents who are leaving Riverhead heading down into the Hamptons to take all sorts of service jobs and they can't get there.

LEG. FOLEY:

What would be your recommendation?

MR. TALDONE:

Generally, I would think we need half hour frequencies.

LEG. FOLEY:

Well, it's hourly right now. So if it can't be half hourly, if it had to stay on the hour, what would your recommendation be, two buses right behind right one another or?

MR. TALDONE:

If they wanted to keep the hourly frequency, yes, they need two buses, absolutely need two

buses. And that would help them to pick up the pace as well. They are also getting stuck because they are pulling over, people are getting jostled, they can't get off the bus, new people have to get on the bus and squeeze through. It takes a lot of time, it's a big problem. So, yeah, I don't know exactly what's needed. I'm sure if the DPW staff has the resources they'd be putting the buses out there to meet the demand. They're aware of the demand problem, they're aware for a while now that we're way beyond capacity. I also advised the County Executive back at the beginning of March about the problem. So I know he is aware of it, but I don't know what's come of that.

LEG. FOLEY:

Thank you. Thank you, Mr. Chairman.

MR. TALDONE:

Thank you.

CHAIRMAN O'LEARY:

Thank you, sir. Any other speakers before we go to the agenda? Okay. We have a little housekeeping to do before we do go to the agenda. We have a request from the County Executive's Office to withdraw **1153, it's appropriating funds in connection with a feasibility study for noise abatement structures on CR 67, Motor Parkway from Harned Road to Shinbone Lane**. There's a request to withdraw that.

LEG. CRECCA:

I would object to that. I tabled it last time at the request of the County Executive. And when I did that -- well, I may not be able to stop him from doing it, but I did that on the representations that they wanted to make some corrections to it. It's in my district. And I'm sure -- I'd ask the Commissioner to come up and explain why they want to withdraw this bill.

CHAIRMAN O'LEARY:

Commissioner Bartha. Is it not the prerogative of the sponsor to withdraw?

LEG. CRECCA:

It absolutely is. I just want to know what's behind it.

CHAIRMAN O'LEARY:

Commissioner Bartha, please explain, if you can, the withdrawal request for 1153.

COMMISSIONER BARTHA:

In the intervening time since the last committee meeting, at which I had requested it be tabled in order to make it more expansive to include both the study as well the engineering, upon reviewing it with the County Executive's Office there's concern about the precedent and the cost involved with such a massive undertaking as to sound barriers.

LEG. CRECCA:

It's a noise study, is it not?

COMMISSIONER BARTHA:

This is both the study and the design. Well it's -- I'm not sure what resolution.

LEG. CRECCA:

Well, the original resolution for this year just for the study.

COMMISSIONER BARTHA:

Correct.

LEG. CRECCA:

Correct. How much did you estimate when you were here last time would that study cost?

COMMISSIONER BARTHA:

The study and the engineering is what I have an estimate of 320,000. I don't know what the study alone would cost.

LEG. CRECCA:

Didn't you tell me it was in the area of about several hundred thousand dollars to do this study, about two or 300,000?

COMMISSIONER BARTHA:

Not just the study. That would be -- that would include design at that high a figure.

LEG. CRECCA:

How much is the study?

COMMISSIONER BARTHA:

I'll look to Bill Shannon, but I would say less than 100,000, between 80 and \$100,000.

LEG. CRECCA:

I would assume it's the County Executive's intention not to refile, correct?

COMMISSIONER BARTHA:

That's my understanding, correct.

LEG. CRECCA:

Commissioner, would you say that this is -- would you describe this as a very district specific project?

COMMISSIONER BARTHA:

This particular project is a district specific project, yes.

LEG. CRECCA:

I'll leave it at that. It's obvious what this is. So I'll ask Counsel to refile the bill in my name.

CHAIRMAN O'LEARY:

Allow me as the Chair to intervene in this. And certainly I respect the prerogative of the County Executive to withdraw a resolution that he proposed. It doesn't preclude, of course, any Legislator from introducing his own resolution at a future date. With respect to that --

LEG. CRECCA:

Commissioner, I would ask -- or whoever is here from the County Executive's office, I would request a CN on the next date, especially since it was represented at the last date that the reason for the delay was so that the department could make corrections when I asked for it to please move forward. And now it would appear that there's a complete reversal on it. So the delay obviously effects my -- you know, the cycle. So I'm -- Mr. Zwirn and to the Commissioner, I would ask that a CN -- I'm requesting a CN on the next date. I'll file a bill --

I'll certainly prepare a bill between now and then.

LEG. LINDSAY:

Mr. Chair.

CHAIRMAN O'LEARY:

Through the Chair, Legislator Lindsay.

LEG. LINDSAY:

Legislator Crecca, was this included in the Capital Budget last year?

LEG. CRECCA:

Yes, it was.

CHAIRMAN O'LEARY:

Any other questions regarding that matter? Do we require a motion to withdraw?

LEG. CRECCA:

No.

CHAIRMAN O'LEARY:

Okay. 1153 is withdrawn. Mr. Zwirn, I take note of the fact you are in the audience. You did hear Legislator Crecca's request.

MR. ZWIRN:

Yes.

CHAIRMAN O'LEARY:

Thank you. The other issue with respect to housekeeping here, we have a request to add to the agenda 1295. Are there copies in front of each member of the committee. 1295, appropriating funds in connection with the additional to the Tri-Community Health Center in Amityville. You have that before you. So without objection then we can add 1295 to the agenda on the introductory resolutions. Is that sufficient, Counsel, to do that?

MS. KNAPP:

Yes.

CHAIRMAN O'LEARY:

All right. It was assigned mistakenly to the wrong committee. It was assigned to Health, it is now assigned to the appropriate committee, Public Works. So 1295 is on the agenda.

LEG. LINDSAY:

Can we address it now.

CHAIRMAN O'LEARY:

No. We'll take it in the normal order. We'll move to the agenda then.

TABLED RESOLUTIONS

**IR 1531. Approving amended cross bay ferry license for Bay Shore Ferry, Inc.
(PRESIDING OFFICER)**

CHAIRMAN O'LEARY:

1531 is not necessarily a tabled resolution, it's been recommitted to Public Works. I have a question of BRO. Kevin, what is the current status of this matter?

MR. DUFFY:

If I can give a little background. Basically what happened is that the Legislature in May of 2003 passed two Resolutions; 343 and 344. 343 granted a license to Bay Shore Ferry and added an additional stop, Ocean bay Park. Previously the applicant had a license just to run to Robins rest. At that time, the applicant, Mr. Hurley, called me and asked whether or not once 343 were approved, if he would be able to lease boats from another company under that license. I went and spoke with Paul Sabatino, who was counsel at the time, and he had a telephone conversation with Mr. Hurley and the Counsel to New York Waterways in which it was agreed they did not feel, both Mr. Sabatino and the Counsel for New York Waterways, that there was sufficient authority under 343 to lease boats from New York Waterways.

Based upon that conversation, Mr. Hurley had filed an application to amend his license in May of 2003. From that, Resolution 1531 was submitted by Mr. Hurley, then corrected by Mr.

Sabatino. An attachment to that resolution was a charter from New York Waterway, which I have a copy of, that Mr. Sabatino said had been approved and modified at the June 24th 2003 meeting. In the amended resolution, it seeks to allow Bay Shore Ferry to lease vessels from New York Waterways which is, I guess, Port Imperial Ferry Corporation. The attachment that was submitted as backup to the resolution was for the period from June 27th, 2003 through September 1st, 2003. It is my understanding it was submitted to the Legislature and now has been sent back to committee.

The question which, I guess, Budget Review Office had been asked at one of the committee meetings by Legislator Guldi is whether or not we considered this resolution to be an assignment of the license of Bay Shore Ferry. At that point, Mr. Spero, sitting next to me, indicated that it was Budget Review Office's opinion that it was. Counsel Paul Sabatino at the time did not hold that opinion. He felt that this resolution was sufficient to allow New York Waterways to operate under Bay Shore Ferry's license.

CHAIRMAN O'LEARY:

Which begs the question at hand, whether or not this is -- I'm going to refer to Counsel on this -- an assignment of license. I would ask Counsel to give an opinion regarding the facts as known to her with respect to this application.

MS. KNAPP:

I think the first question that was asked of me was whether or not a license, a ferry license, could be assigned, and my response to that was it was not. A license was personal to the holder of the license so that you could not assign it. There is a very specific inquiry that accompanies the grant of a license, and it includes a wide of subjects, not just the financial viability of an entity, but in something like a ferry, the license allows people, residents of Suffolk County, to be transported across water, and this body needs to be assured that the license holder is capable of doing that safely. So in general, the answer to that question is, no, a ferry license may not be assigned. The question became a little more complicated when you apply that general legal principle to a particular fact situation. It's my understanding that what was being proposed last year was -- was a lease of boat, and the documents that accompanied that indicated that the lease would include boats, a crew and a financial arrangement that allowed the assignee, the person who would be providing the boats, to collect the fares and just pay a portion to our ferry holder -- ferry license holder. That to me appeared to be an assignment of the license.

CHAIRMAN O'LEARY:

So then it's your opinion counsel that this is, in fact, an assignment of license?

MS. KNAPP:

If those facts are correct, then I would find that to be an assignment of license.

CHAIRMAN O'LEARY:

Are there any other issues that, Kevin, you want to raise to us to bring to our attention with respect to the current application that's before you?

MR. DUFFY:

The attachment, the charter, that has been provided was for a set period of time from June 27th, 2003, to September 1st, 2003. If the Legislature were to, in my opinion, or Budget Review, correct me if you think I'm wrong, Kim, if the Legislature were to consider this resolution, we would think at the very least that there should be a new charter attached that covers the period going forward, not something that has expired.

CHAIRMAN O'LEARY:

Has this been advised to the applicant with respect to your opinion regarding the filing of new charter?

MR. DUFFY:

I did have the conversation with Mr. Hurley, I guess, today and also last week where he indicated that he would be here today and that he wanted to address the Legislature as to what he needed to have done to get this application moving.

CHAIRMAN O'LEARY:

I note that Mr. Hurley is in attendance. And under the circumstances, perhaps you should have filled out a card for the public portion, but I will allow you three minutes, sir, to explain the situation and the particular predicament, for lack of any other descriptive phrase. "A", there's a question Mr. Hurley -- to my understanding now, there's a question of law, legality, with respect to assignment of license. In addition to that, BRO had brought to our attention that there's a question of you having to file -- to update your application with respect to the charter that's

currently on file.

MR. HURLEY:

I'm not quite sure -- the conversation that I remember was different that I had with Mr. Duffy. That's okay, because I remember a lot of different things. The license -- I actually talked to Mr. Duffy about perhaps amending my petition to you so that it was no longer vessels with crew, it was just a vessel that was leased for a fee. Does that violate the assignment of license issue? I don't know if I'm entitled to an opinion from Counsel of this, but I'm willing to -- I've talked to the company just leasing a boat for a fee and having my own crew operate that vessel. Is that something that is agreeable? You know, I just need someone to tell me what I can do as opposed to always stopping me with what you can't do.

CHAIRMAN O'LEARY:

I'm not going to allow Counsel to respond to that question. But certainly it's a matter of record what your concern is. It's already been determined, sir, that if there is an opinion from Counsel that this is a matter of an assignment of license.

MR. HURLEY:

No. No. I'm talking about amending this so that the license does not come with a vessel and crew, it's without crew, just a lease of a vessel for a fee. That is it, no more than that. Just like leasing a car from your company.

CHAIRMAN O'LEARY:

I would ask BRO, Kevin, with respect to that question that was just posed to the committee, has there ever been an instance in the past in Suffolk County where a charter, a time charter occurred with respect to a licensee, time chartering the vessel from a separate entity?

MR. DUFFY:

We have had charters in Suffolk County; Sayville Ferry leases vessels from an affiliated brother-sister corporation. We have had -- Jim, correct me if I'm wrong, that's the only one I can think of off the top of my head.

CHAIRMAN O'LEARY:

But those are subsidiary type of organizations that are affiliated with the parent company.

MR. DUFFY:

If the question you are asking is have we ever had a license that leased vessels from a company that was not licensed by Suffolk County, the answer would be no.

MR. HURLEY:

I don't think that's necessarily true.

CHAIRMAN O'LEARY:

I think under the circumstances perhaps, Mr. Hurley, you should consider contacting BRO for purposes of resubmitting and updating your application with respect to the charter that was just brought to our attention.

MR. HURLEY:

I'm asking you, if I submit with it just a crew, I'm not negotiating this.

CHAIRMAN O'LEARY:

In effect you are. Bring your matter to the attention of BRO, they will tell you what is required of you, and we will agree the matter at a later date.

MR. HURLEY:

It would be nice if BRO would call me earlier and state that this was something that they needed.

CHAIRMAN O'LEARY:

Well, the obligation is yours, I believe, to contact BRO, sir.

MR. HURLEY:

I had talked to BRO, but this is the first I'm hearing this. And according to Mr. Duffy -- I've talked to him twice in the last week.

CHAIRMAN O'LEARY:

Thank you very much. I'll entertain a motion to table this matter. Motion by myself to table, is there a second? For lack of a second --

LEG. LINDSAY:

I'll second.

CHAIRMAN O'LEARY:

Seconded by Legislator Lindsay. On the question of the motion, all those in favor? Opposed? Abstain? Motions passes. 1531 is

TABLED. (VOTE:7-0-0-0).

1153 is withdrawn.

1211-04. Authorization of alteration of rates for North Ferry Co., Inc., for construction of a ferry and reconstruction of ferry slips at the Greenport and Shelter Island Terminals. (PRESIDING OFFICER)

CHAIRMAN O'LEARY:

This is going to require a tabling motion for purposes of scheduling a public hearing. Motion by myself, seconded by Legislator Foley. On the question of motion, all those in favor? Opposed? Motion unanimous. **TABLED. (VOTE:7-0-0-0).**

I believe the public hearing will be scheduled for April 20th.

1236-04. Approving rates established for Davis Park Ferry Company. (PRESIDING OFFICER)

LEG. FOLEY:

Motion to table.

CHAIRMAN O'LEARY:

Motion by Legislator Foley, seconded by myself. On the question, all in favor? Opposed? Abstain? Motion unanimous. **TABLED. (VOTE:7-0-0-0)** Does that require scheduling a public hearing?

MS. SULLIVAN:

It's scheduled already.

CHAIRMAN O'LEARY:

It's scheduled for the 20th. Public hearing on 1236 is scheduled for 4/20.

MR. SPERO:

Mr. Chairman, on David Park Ferry, just to let the committee know, that the applicant's petition is incomplete, because he has not furnished the Clerk with certified financial statements for the past two fiscal years. And until those documents are furnished, we will not begin our review of the ferry company's financial assets.

LEG. LINDSAY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Yes. Legislator Lindsay.

LEG. LINDSAY:

In this reapplication process, can we address some of the issues that were raised by the homeowners association before? Certainly about posting, you know, I believe it's one our requirements in the application that they post rates at both --

MR. SPERO:

That's true. These issues certainly can be addressed during the process.

LEG. LINDSAY:

Because before I'm prepared to vote on that, I'd like to see some affirmative statement that they are going to try to correct some of these deficiencies in their operation.

CHAIRMAN O'LEARY:

Yes, Legislator Carpenter.

LEG. CARPENTER:

Jim, was Davis Park notified that there was some deficiencies in their application?

MR. SPERO:

Yes, there were. We sent them a letter to that effect.

LEG. CARPENTER:

Okay. Thank you.

CHAIRMAN O'LEARY:

Are they aware of the fact that there's been a scheduled public hearing for 4/20?

MR. SPERO:

I presume so, because they would have submitted the resolution to set the public hearing.

CHAIRMAN O'LEARY:

Okay. Any other questions on 1236? Okay.

INTRODUCTORY RESOLUTIONS

CHAIRMAN O'LEARY:

Okay. Moving into the Introductory Resolutions. We have Commissioner Bartha here before us. Any members of the committee wish to speak to Commission Bartha with request to any current projects in their district or throughout County wide? Yes. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. I don't see Mr. Shinnick here from Transportation Division, but would you be able to respond to two -- to two earlier comments; one regarding S-92 and the second on the SCAT awarding of a contract to -- to one company as opposed to the -- to the immediately past where there are two companies involved with SCAT?

COMMISSIONER BARTHA:

Okay. With respect to the first question, I am aware that that is a heavily utilized route in the morning and in the evening. I will, you know, based on Mr. Taldone's comments I will check with Bob Shinnick to see what we can do beyond what has already been committed and if there's a need for it as well.

LEG. FOLEY:

Through the Chair, do you have enough flexibility in the contract with that bus route to require the contractor to have additional buses? Would that incur an additional cost to the County?

COMMISSIONER BARTHA:

It certainly would incur additional costs to the County, and there is flexibility in the contracts to be able to do that. Flexibility of the budget is another question. But that's something we'll look into to give you a more complete answer before the next meeting.

LEG. FOLEY:

Thank you. As far as SCAT?

COMMISSIONER BARTHA:

As far as SCAT, we advertise for proposals nationally. We received five proposals for the SCAT service. And we had an evaluation team of people in the Transportation Division. We've determined that the best proposal was submitted by Suffolk Bus. And we initiated the process to award the entire project to Suffolk Bus.

LEG. FOLEY:

And you will be scrupulously following both the letter and the spirit of the law?

COMMISSIONER BARTHA:

Absolutely. Absolutely.

LEG. FOLEY:

As far as giving due notice to the other competitors?

COMMISSIONER BARTHA:

Yes.

LEG. FOLEY:

Thank you, Mr. Chairman.

CHAIRMAN O'LEARY:

Any other questions for Commissioner Bartha before we proceeded with the IRs? Okay.

1240-04. Adopt a County Shoreline Program. (COOPER)

CHAIRMAN O'LEARY:

Yes. Legislator Montano.

LEG. MONTANO:

I'm going to ask -- make a motion to table this resolution.

LEG. FOLEY:

Second.

CHAIRMAN O'LEARY:

Motion by Legislator Montano, seconded by Legislator Foley to table. On the question of that motion? Hearing none, all those in favor? Opposed? Abstain? 1240 is **TABLED. (VOTE:7-0-0-0)**

1281-04. Establish a land development policy to promote affordable housing in Suffolk County. (CARACAPPA)

CHAIRMAN O'LEARY:

I believe we have a representative from the County Attorney's Office here who wishes to make a statement regarding this resolution. Please identify yourself for the record.

MS. HARRINGTON:

Yes. Thank you, Mr. Chairman. My name is Elizabeth Harrington. I'm the Deputy County Attorney. With regard to this IR, it is the opinion of County Attorney that the proposed resolution impermissibly imposes an affordable housing requirement in the sewage treatment permitting process. In essence, the County's authority to impose regulations derives from New York Health Law Section 116, as well as from Environmental Conservation Law 17-1505. In essence, those statutes allow you to permit or deny a plan based only on water supply and sewage.

The proposed legislation would deny it on affordability of housing. There is no statutory authority for the legislation. And indeed, the caseload that I have seen is unequivocal that it could not survive judicial scrutiny. Although we support the policy and the intended spirit of the law, I don't see it as vital.

CHAIRMAN O'LEARY:

Legislator Losquadro.

LEG. LOSQUADRO:

I seem to recall that we recently passed a resolution giving incentives for sewer district hook-ups or something similar to this.

LEG. CRECCA:

What that bill did was --

CHAIRMAN O'LEARY:

Legislator Crecca, would you go through the Chair, please.

LEG. LOSQUADRO:

I'm just curious as to why this wasn't brought to light sooner. If we do not have the right to do that, would that also not survive legal scrutiny?

COMMISSIONER BARTHA:

I believe I can answer that. The resolution to which you refer is for connection to county -- to an established County sewer district. That is not something that goes before the Sewer Agency. This is private developers that are constructing new treatment plants for this specific development that they are building. I would certainly echo the County Attorney's remarks. I believe even Section 277 of Town Law, which establishes the Sewer Agency is also relative and also does not allow this type of discretion to be utilized related to affordable housing. Although, it's my -- certainly the Department of Public Works and the County Executive support the concept of trying to encourage affordable housing. And if there's any way we can do it through the construction of sewage facilities, we would look forward to working with the Presiding Officer to try to craft a bill that would serve that purpose.

LEG. LOSQUADRO:

I appreciate the explanation. Thank you.

CHAIRMAN O'LEARY:

Legislator Crecca then Legislator Foley.

LEG. CRECCA:

Actually, I agree with the Commissioner, with what the Commissioner said. There was a difference between the bill. One was incentivizing sewer hook-ups and giving them reduced rates, that was the bill -- I was a cosponsor of that bill, which is permissible. Without giving my legal opinion, I understand the difference between the two bills.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. I'm very supportive of the Presiding Officer's efforts here to create some affordable housing. This is more of a legal question, I guess, whether to our own Counsel and also the County Attorney's Office, County Government, we have been endeavoring to be part of the solution to create affordable housing. Why can't we as the policy making body in County Government, as the Legislature is, if the Legislature deems it policy that in order to effectuate some level of affordable housing, that we will require certain policies to be administered by different County administrative bodies, in this case, the Health Department? How would that be in violation of any municipal law, when we as Legislators have the right and responsibility and therefore, the authority to create policy? If it's the policy that this Legislature creates is to be part of using County institutions to help create affordable housing, how can we be violating the County charter or violating any provisions of the State Constitution?

MS. HARRINGTON:

I can respond to that. I think the difference here, Legislator Foley, is that this is not policy, this is regulatory. And our authority derives from State Law, which does not give us broad authority to deny any application based upon any grounds other than adequate water supply or adequate sewage. And the Court of Appeals was very clear. In fact, case of Williams versus {Eberly Inc.} versus {McCloud}, 408 New York Subsection 501, the Court said that under the statutory scheme of the Public Health Law, 1116, which is where we derive our authority, that any denial on any basis other than the statutory consideration is not allowed. And it's the breath of the legislation that's problematic.

LEG. FOLEY:

Can we hear from our Counsel on that? She drafted the resolution.

LEG. CRECCA:

Actually -- well, I don't want to speak for Counsel, but I know --

LEG. FOLEY:

I want to support this.

LEG. CRECCA:

No. I understand that. But when I spoke to Legislator Caracappa about this bill at length yesterday, he informed me that he had started to work on this bill with Paul Sabatino, prior counsel, and that Paul said this was legal. Now, I don't know what involvement our current counsel has had with or not, but I bring that up just from a historical point of view, because I raised a similar question to what the County Attorney had.

LEG. FOLEY:

The bill was laid on the table March 23rd.

LEG. CRECCA:

No, I know that. I'm just -- I'm just letting you know.

CHAIRMAN O'LEARY:

The Chair recognizes Legislator Crecca.

LEG. CRECCA:

I just wanted to clarify that, because I had asked the same questions, not of our own Counsel but of Joe yesterday. The County Attorney has raised --

CHAIRMAN O'LEARY:

We have some questions on the matter obviously. I'll entertain a motion. I'll make a motion to table this matter, second by Legislator Losquadro.

LEG. CARPENTER:

Mr. Chairman.

CHAIRMAN O'LEARY:

Yes, Legislator Carpenter.

LEG. CARPENTER:

I just have a question on process. Did anyone contact the Presiding Officer prior to this meeting here today with questions or concerns?

MS. HARRINGTON:

I did not contact him if that is your question.

CHAIRMAN O'LEARY:

That's why I'm asking this matter to be tabled, and perhaps the Presiding Officer can be apprised of these matters and issues that you raised.

MS. HARRINGTON:

I do not know whether or not he spoke to the County Attorney, but I did not contact him.

COMMISSIONER BARTHA:

I did not speak to him either, but I understand the County Executive is interested in speaking with him to come to some sort of -- to reach an end point in a different fashion possibly.

LEG. CARPENTER:

Just as far as a matter process of procedure, I find it a little problematic. I know how I would feel if I had a resolution that had been introduced, and in the packet -- a couple of weeks ago, but in any event, laid on the table, it was in the packet and that no one picked up the phone and called me, then here I come to committee expecting to have some action on it and have these issues raised. I just don't think it's the way that we've been accustomed to doing business. And I wouldn't appreciate it, and I'm sure he is not going to be delighted when he hears about it either.

CHAIRMAN O'LEARY:

Any other questions on the tabling motion? Motion to table by myself, seconded by Legislator Losquadro. All those in favor? Opposed? Abstain? Motion is unanimous. 1281 is **TABLED**.

(VOTE:7-0-0-0)

1295-04. Appropriating funds in connection with the addition to Tri-Community Health Center, Amityville. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Moving along. IR 1295.

LEG. FOLEY:

Motion to approve.

CHAIRMAN O'LEARY:

Motion by Legislator Foley to approve, seconded by Legislator Lindsay. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstain? Motion is unanimous. 1295 is **APPROVED. (VOTE:7-0-0-0).**

1300-04. Amending Resolution Nos. 884-1996 and 1037-1999 for participation in engineering in connection with the reconstruction of CR 57, Bay Shore Road, Town of Islip. (COUNTY EXEC)

LEG. CARPENTER:

Motion to approve and cosponsor.

CHAIRMAN O'LEARY:

There's a motion to approve by Legislator Carpenter and to cosponsor, seconded by Legislator Losquadro.

LEG. LOSQUADRO:

On the motion.

CHAIRMAN O'LEARY:

On the motion.

LEG. LOSQUADRO:

I just had a question of the Commissioner on this. There's probably a simple explanation. But

when I see that the state portion of the aid reimbursement is 105,000, the County portion is 35,000, why are we bonding out the 105,000 if our portion, as I read it, is 35?

COMMISSIONER BARTHA:

There's a need to first instance fund on a lot of these programs. This resolution and the next resolution relate to the same project. And the good news is the County's total share is 5% under this project, because we've secured more state funding.

LEG. LOSQUADRO:

Okay. Thank you.

CHAIRMAN O'LEARY:

All right. We have a motion to approve. On the question, all those in favor? Opposed? Abstain? 1300 is unanimous. It's **APPROVED. (VOTE:7-0-0-0).**

1301-04. Amending Resolution No. 754-2003, for participation in engineering in connection with the reconstruction of CR 57, Bay Shore Road, Town of Islip. (COUNTY EXEC)

LEG. CARPENTER:

Cosponsor.

CHAIRMAN O'LEARY:

There's a request by Legislator Carpenter to be cosponsor.

LEG. FOLEY:

I guess great things happen in Islip Town.

CHAIRMAN O'LEARY:

On the question of the motion -- there is no motion. Is there a motion to approve?

LEG. CARPENTER:

Motion to approve and cosponsor.

CHAIRMAN O'LEARY:

Motion to approve and cosponsor by Legislator Carpenter, seconded by Legislator Montano? Lindsay. On the motion to approve, all those in favor? Opposed? Abstain? Motion is unanimous. 1301 is **APPROVED. (VOTE:7-0-0-0).**

1302-04. Appropriating funds in connection with improvements to CR 83, Patchogue-Mt. Sinai Road, Town of Brookhaven. (COUNTY EXEC)

LEG. LOSQUADRO:

Motion to approve and cosponsor.

CHAIRMAN O'LEARY:

Motion to approve and cosponsor by Legislator Losquadro, seconded by Legislator Foley. Commissioner Bartha --

LEG. LOSQUADRO:

On the motion.

CHAIRMAN O'LEARY:

Just a clarification. These are -- County Road 83, can you be more descriptive as to that exact location?

COMMISSIONER BARTHA:

Patchogue-Mt. Sinai Road, that's off of Exit 63 on the Long Island Expressway. It's -- what this will provide -- it's a heavily traveled road. This will provide the engineering services in order to make that a better traffic situation.

CHAIRMAN O'LEARY:

Well, 83 runs the length -- almost the whole length -- the width of the Island.

COMMISSIONER BARTHA:

Yes.

CHAIRMAN O'LEARY:

What's the area specifically that this is focused on?

COMMISSIONER BARTHA:

That's the northern portion.

CHAIRMAN O'LEARY:

Oh, is this Granny Road north of 25A? Granny Road north of 25A, correct? Okay. There's a motion to approve and a second. Motion by Legislator Losquadro to approve, seconded by Legislator Foley. On the question of the motion? Hearing none, all those in favor? Opposed? Abstain? Motion is unanimous. 1302 is **APPROVED. (VOTE:7-0-0-0)**

1303-04. Appropriating funds in connection with the construction of improvements at County marinas. (COUNTY EXEC)

LEG. CARPENTER:

Motion.

CHAIRMAN O'LEARY:

Motion by Legislator Carpenter, seconded by myself.

LEG. CRECCA:

On the motion.

CHAIRMAN O'LEARY:

On the motion, Legislator Crecca.

LEG. CRECCA:

The cost of this is 175,000, Mr. Bartha?

COMMISSIONER BARTHA:

This is a Parks Department resolution.

CHAIRMAN O'LEARY:

I believe the funds are 175,000, and it's for Timber Point and Shinnecock.

LEG. CRECCA:

My understanding is that this is for the convenience of seasonal and transients rentals at those marinas. And I guess my concern is, you know, we -- earlier there was a, I guess, a decision by the County Executive on a noise study that affects residents in my district on two streets for a County Road in the homes that they have purchased and live in. And, I guess, this is for people who are seasonally and transient rental of boat slips. I would hate to spend money on something for recreation and has a seasonal nature when we're not willing to expend money for our residents who live here, a problem that was created by the expansion of a County Road. So I guess my question is when was the decision made to change policies on -- let me ask this first. When exactly was the decision made to withdraw 1153, Commissioner?

COMMISSIONER BARTHA:

I was advised of it this morning.

LEG. CRECCA:

What if any -- who were you advised by?

COMMISSIONER BARTHA:

By Tim Motz from the County Executive's Office.

LEG. CRECCA:

And what, if any, reason did they give to you, Commissioner?

COMMISSIONER BARTHA:

Concern over both the precedent and the ultimate cost of constructing sound walls on various County Roads in the County.

LEG. CRECCA:

Have we ever done noise studies before in the County for road projects?

COMMISSIONER BARTHA:

We've done noise studies with our own staff, what have been very limited noise studies, to identify problems. We have -- there have been funds appropriated, but not yet expended for a noise study and engineering on County Road 83.

LEG. CRECCA:

And I guess my concern is there was a policy decision made by the Legislature in approving the Capital budget that that noise study was to go forward. I guess my next question is what changed from the time when we spoke last meeting and now as far as --

CHAIRMAN O'LEARY:

Legislator Crecca, I just want to -- I don't want to -- I understand your concern, but we have a motion before us regarding County Marinas that I'm asking to move on that motion and you're raising an issue regarding a matter that's been withdrawn. Can you explain why you are doing that?

LEG. CRECCA:

Sure. I'm trying to get an idea of -- of priorities and the County Executive's priorities regarding the filing of Capital Budget bills, because one of my concerns is -- and one of the things we're supposed to be concerned with is the prioritization of projects. And here I have something that's going to -- a Capital Project that certainly will benefit some seasonal boat users. And I'm concerned that we're putting priority -- the cost here is much more than the sound study, it's almost double the price of the sound study. So I guess my concern is where the County Executive's priorities are. And also, I guess where -- I'd hate to approve this and then next cycle the County Executive decides that fixing up boat slips is not a good way to spend the Capital Projects. But I thought the Legislature was the one who made the decisions regarding what Capital Projects we do when we approve the Capital Budget, but apparently that's not the position of the County Executive. So I really-- if you will just indulge me for one for two more questions, Mr. Chairman, I would appreciate it. Mr. Bartha, what changed from the time that it was discussed at the last committee meeting where the costs were actually lower than what we initially anticipated and now to change the position of moving forward with this Capital Project, the noise study?

COMMISSIONER BARTHA:

I would say in our discussions that, as I indicated before, about the large -- very large cost that would be associated with sound walls on County Roads throughout the County. There are a number of locations where the noise is an issue and the cost associated with constructing sound walls is a very large figure.

LEG. CRECCA:

And we weren't aware of that cost involved at the last committee meeting. I'm sorry, I don't understand what the difference is. At the last committee you told me that one of your concerns of the bill was that we would spend less money than was actually needed for the bill to move forward. So the cost went down, but I guess the concern went up.

COMMISSIONER BARTHA:

I would say the understanding between myself and the County Executive's Office was clarified over the past several weeks.

LEG. CRECCA:

Thank you, Commissioner.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

Just for the record, there's a memo in the backup dated February 26th, that states that the marinas generate a substantial portion of the department's annual revenue. In order to make them more attractive to potential boaters, the department is in the process of upgrading each marina. Notwithstanding Legislator Crecca's questions that we all understand and sympathize with, it's important that we approve this today, because it's my understanding that they want to get the marina work done this spring time so it's ready for this coming summer's boating season. So I'll make a motion to approve if it hasn't been made already.

CHAIRMAN O'LEARY:

We already have a motion to approve.

LEG. CRECCA:

I'll make a motion to table it, because the people who reside on those streets in Commack also would like to enjoy their backyards this summer.

CHAIRMAN O'LEARY:

Motion to table has precedence, is there a second to the motion to table, by Legislator Losquadro. On the question of the motion to table, all those in favor? Opposed?

LEG. FOLEY:

Opposed.

LEG. MONTANO:

Opposed.

LEG. LINDSAY:

Opposed.

CHAIRMAN O'LEARY:

Abstain? Four-three, motion passes. 1303 is **TABLED. (VOTE:4-3-0-0) (Opposed; Legis. Foley, Montano and Lindsay)**

**1306-04. Appropriating funds in connection with the County share for participation in the Clean Water/Clean Air Bond Act Projects.
(COUNTY EXEC)**

CHAIRMAN O'LEARY:

1306, Commissioner Bartha.

COMMISSIONER BARTHA:

This resolution will provide funds so we can eliminate direct roadway discharges at several locations. Those are Shinnecock Bay, Tiana Bay, { Wesa Creek} , which are along the South Shore, South Fork; Huntington Harbor and Mattituck Creek. This will intercept the stormwater before it runs into the Bay and allow some purification of the water.

LEG. FOLEY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Foley.

LEG. FOLEY:

I'm very supportive of the resolution. The question to asked though is when will we see some

of these bond act monies for the Great South Bay or for tributaries that lead to the Great South Bay?

COMMISSIONER BARTHA:

We have several projects going --

LEG. FOLEY:

And Moriches Bay?

COMMISSIONER BARTHA:

-- throughout the County. I can give you a schedule of when.

LEG. FOLEY:

Yeah, if you can follow up with that, I'd appreciate that. Thank you, Mr. Chairman.

CHAIRMAN O'LEARY:

Legislator Losquadro.

LEG. LOSQUADRO:

On, this, I saw that there was to install a system of leaching recharge basins and storm filtration basins, in this, is there -- I know there are companies out there that have filtering systems for these waters. Would this include any of those systems?

COMMISSIONER BARTHA:

Yes.

LEG. LOSQUADRO:

Would it be an absorption system, I believe it's called? Replaceable filters or this a permanent system?

COMMISSIONER BARTHA:

It would not be permanent.

LEG. LOSQUADRO:

They are replaceable filters?

COMMISSIONER BARTHA:

It would be replaceable of some sort, yes.

LEG. LOSQUADRO:

Okay. Thank you.

LEG. FOLEY:

Motion.

CHAIRMAN O'LEARY:

Motion to approve by Legislator Foley, seconded by Legislator Losquadro. On the question of the motion to approve 1306? Hearing none, all those in favor? Opposed? Abstain? Motion is unanimous. 1306 is passed. **APPROVED. (VOTE:7-0-0-0).**

1312-04. Amending Resolution No. 179-2003, a resolution making certain findings and determinations upon a proposal to form Suffolk County Sewer District No. 4 Smithtown Galleria in the Town of Smithtown. (COUNTY EXEC)

CHAIRMAN O'LEARY:

Commissioner Bartha.

COMMISSIONER BARTHA:

Right. Right. This is a sewage treatment facility that was constructed under a sewer agency contract where the district -- where the County has the ability to take it over. That's what we are proposing to do now. And there had been a public hearing already on this.

CHAIRMAN O'LEARY:

Public hearing has been closed?

COMMISSIONER BARTHA:

Yes.

CHAIRMAN O'LEARY:

Motion?

LEG. CRECCA:

This is my district. I have some concerns about this project, and I'd like an opportunity to further look into this before the County makes the decision to take this over. So I make a motion to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Crecca, seconded by Legislator Foley. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstain? 1312 unanimously TABLED. (VOTE:7-0-0-0).

**1317-04. Approving the purchase of vehicles for the Department of Aviation.
(COUNTY EXEC)**

CHAIRMAN O'LEARY:

I understand that's two trucks to be purchased for the total of \$63,000; is that correct, Commissioner?

COMMISSIONER BARTHA:

It's not a Public Works resolution.

CHAIRMAN O'LEARY:

It's not a Public Works resolution?

COMMISSIONER BARTHA:

You are correct, from the backup, I can see it's replacement.

LEG. CRECCA:

Is there anyone here from Economic Development?

CHAIRMAN O'LEARY:

Nobody here from Economic Development of the County Executive's Office?

LEG. CRECCA:

Mr. Zwirn, do you have information on this resolution?

MR. ZWIRN:

Two trucks.

LEG. CRECCA:

Come up and use the microphone.

LEG. FOLEY:

Mr. Chairman, as he comes forward -- Mr. Chairman? As he comes forward, again, if you look at the memoranda, it states that the -- that the division is in -- the airport is in dire need of replacement vehicles in order to maintain the facility to minimum standards. And that's why this request was forwarded for two trucks.

CHAIRMAN O'LEARY:

I'll --

LEG. FOLEY:

I don't think the current trucks are even operating, to be honest with you.

CHAIRMAN O'LEARY:

I'll make a motion to approve.

LEG. FOLEY:

Second.

CHAIRMAN O'LEARY:

Seconded by Legislator Foley. On the question of the motion to approve? Hearing none, all those in favor? Opposed?

LEG. CRECCA:

I'm going to make a motion to table.

CHAIRMAN O'LEARY:

Motion to table takes precedence. Is there a second?

LEG. CARPENTER:

I'll support the tabling motion for one cycle.

CHAIRMAN O'LEARY:

All right. For one cycle there's a motion to table by Legislator Crecca, seconded by Legislator Carpenter. On the question of the tabling motion?

LEG. CRECCA:

I have some questions for Ms. Fahey, and I'll certainly get those done before the next committee meeting.

CHAIRMAN O'LEARY:

Okay. There being no further questions on 1317, tabling, all those in favor? Opposed?

LEG. LINDSAY:

Opposed.

LEG. MONTANO:

Opposed.

LEG. FOLEY:

Opposed.

CHAIRMAN O'LEARY:

Abstain? Four-three. Motion is **TABLED. (VOTE:4-3-0-0).**

(Opposed; Legis. Foley, Lindsay and Montano).

1321-04. Authorizing that resolution No. 892-2003 be rescinded which appropriated funds in connection with the dredging of Moriches Inlet for Smith Point Park Beach replacement. (COUNTY EXEC)

CHAIRMAN O'LEARY:

I need an explanation on this, Commissioner Bartha.

COMMISSIONER BARTHA:

Okay. Initially, funds were appropriated last year to replenish the beach at Smith Point. We were going to piggy back on back of a Core of Engineer project that involved the dredging of Moriches and Shinnecock Inlets. The resolution was specific to that point. When the Core project was delayed, we had the opportunity there was -- there were other dredges in the area, we decided to put it out to bid ourselves. So we contracted directly for the dredging. The work was performed in early January of this year and completed. So we've paid for the work under the separate resolution that was authorized late last year, I believe in a December session. So this money was appropriated earlier in the year is not necessary.

CHAIRMAN O'LEARY:

This is duplicative. In other words, this -- the monies appropriated here were intended for a project that's already been funded and completed?

COMMISSIONER BARTHA:

That's correct.

LEG. CARPENTER:

I have a question.

CHAIRMAN O'LEARY:

Legislator Carpenter.

LEG. CARPENTER:

So if this resolution is passed rescinding this appropriation, does that free up 1.4 million for additional dredging projects?

COMMISSIONER BARTHA:

No.

LEG. CARPENTER:

Because I've got a list.

COMMISSIONER BARTHA:

No. What it does is it will simply reduce what shows as a theoretical backlog of projects that are -- Capital Projects that are not progressing. This is a project that cannot and will not progress now because it's been accomplished under other funds.

LEG. CARPENTER:

Isn't it kind of unusual that --

LEG. CRECCA:

The project number hasn't changed, though, right? I'm sorry, Legislator Carpenter.

LEG. CARPENTER:

That's all right.

LEG. CRECCA:

The project number still remains as part of the Capital Budget, doesn't it?

CHAIRMAN O'LEARY:

My question to Budget Review is what happens to these monies, Jim, the 1.4 million?

MR. SPERO:

The appropriations will be rescinded. There are appropriations made in the 2003 Capital Budget. And the appropriation will be rescinded. It will not be available to offset any other capital project.

LEG. CRECCA:

It's from the '03 budget, so I apologize, I didn't realize.

LEG. FOLEY:

See, I think what -- through the Chair, what should have happened and it's through any fault of the department, but last year when the other resolution was approved, it should have been brought to our attention at that time that this resolution was no longer necessary, then at the end of last year we could have utilized these monies for an offset. But unfortunately, we couldn't because now it's a new year. If we were told back in December or November of last year, then we could do what Legislator Carpenter would like to see happen as well as the rest of

us who have areas that need to be dredged so.

CHAIRMAN O'LEARY:

Any other questions of Commissioner Bartha on this? Jim, you have something?

MR. SPERO:

You may want to look into the transferring the dredging appropriation to another dredging project perhaps.

LEG. CARPENTER:

So then we shouldn't move on this?

LEG. FOLEY:

If we keep it for the same -- through the Chair, if we keep it for same dredging purposes, which, was Legislator Carpenter's question and other of us, can we even though it's a different year --

MR. SPERO:

You would have to transfer the appropriation, amend the bond resolution. I believe we could do it.

LEG. CARPENTER:

I believe we should table this resolution. Jim, I'd ask you to work on that. I'd like to do that.

CHAIRMAN O'LEARY:

Motion to table by Legislator Crecca, by Legislator Foley. On the question of the motion to table 1321?

LEG. FOLEY:

Just on the motion, Mr. Chairman.

CHAIRMAN O'LEARY:

On the motion to table, Legislator Foley.

LEG. FOLEY:

Thank you. Whether through -- whether through our Counsel or through BRO to speak with bond counsel as how best to make this happen.

LEG. CARPENTER:

Great.

LEG. FOLEY:

So it's all done in apple pie order.

CHAIRMAN O'LEARY:

Motion to table. All those in favor? Opposed? Abstain? Motion is unanimous. **TABLED.**
(VOTE:7-0-0-0)

1339-04. A Local Law amending Chapter 424 of the Suffolk county Code in connection with revisions to sewer use rules and regulations. (COUNTY EXEC)

LEG. FOLEY:

Explanation.

LEG. CARPENTER:

Motion to table pending public hearing.

CHAIRMAN O'LEARY:

This is scheduled for public hearing or is to be scheduled for public hearing?

MS. KNAPP:

April 20th.

CHAIRMAN O'LEARY:

This is scheduled for --

MS. SULLIVAN:

Yes.

CHAIRMAN O'LEARY:

Okay. I'll entertain a motion to table, this is scheduled for public hearing.

LEG. CARPENTER:

Motion to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Carpenter, seconded by Legislator Foley. On the question of the tabling motion, all those in favor? Opposed? Abstain? 1339 is **TABLED** subject to a public hearing. **(VOTE:7-0-0-0)**

LEG. CARPENTER:

Mr. Chairman, will someone from the department be down there to address this during the public hearing?

COMMISSIONER BARTHA:

If you would like.

LEG. CRECCA:

Actually, commissioner, if you would, since this is a rather comprehensive -- I don't know, is there a backup memo which explains the changes and the basis and reasoning for them or no?

COMMISSIONER BARTHA:

No. But if you would like, we can put something like that together.

LEG. CRECCA:

Yeah. As soon as possible. Rather than just distribute it to just me, I think it's a good idea to distribute it to all 18.

CHAIRMAN O'LEARY:

It's quite extensive, so I think maybe a summary, just an overview of the --

LEG. CRECCA:

Cliff notes.

CHAIRMAN O'LEARY:

Cliff notes, yes.

COMMISSIONER BARTHA:

It basically is to bring us into conformance with EPA requirements. But we'll give you that.

CHAIRMAN O'LEARY:

Okay. Are there any other issues to be discussed before the committee? Motion to adjourn by Legislator Losquadro, seconded by Legislator Montano. Without objection, meeting stands adjourned. Thank you very much.

(*THE MEETING WAS ADJOURNED AT 4:15 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY